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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,299	07/11/2008	Wolfgang Otto Budde	DE 020188	1502
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EXAMINER				
WRIGHT, BRYAN F				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,299

Applicant(s)

BUDDE ET AL.

Examiner

BRYAN WRIGHT

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

FINAL ACTION

1. This action is in response to Amendment filed 2/4/2009.
2. Claims 1-18 have been amended. Claims 1-18 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner contends applicant's addition of newly amended subject matter, "within a key record" for which arise the claim limitation element of " ... installing a shared key within a key record" lacks support from original disclosure. Examiner contends no-where in applicant's original disclosure disclose the ability of "installing a shared key within a key record".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 recites the limitation "the worldwide unambiguous key record" in line 7. There is insufficient antecedent basis for this limitation in the claim.

5. Claims 6 and 7 recites the limitation "the worldwide unambiguous key record" in line 3. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 12 recites the limitation "the worldwide unambiguous key record" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

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and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hermann et al. (European Patent Application No. 1024626 and Hermann hereinafter) in view of Lewis (Patent Publication No. 6,213,391).

8. As to claim 1, Hermann teaches a security system for wireless networks, comprising: a first portable unit with a memory for storing a key record provided for short-range information transmission of the key record (i.e., ... teaches a device such as but not limited to PDA, smart cards, badges [par. 39] ... teaches a first and second device architecture {par. 45}),

and at least one receiving unit in at least one wireless apparatus of the network (i.e., ... teaches a second receiving unit in a wireless communication network [abstract]), comprising a receiver for receiving the worldwide unambiguous key record and an evaluation component of the apparatus for storing (i.e., ... teaches a second receiver device [par. 45] ... teaches second device receives information teaches information receives is evaluated for communication authentication purposes [par.44]), processing and/or passing on the worldwide unambiguous key record (4) or a part of the worldwide

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unambiguous key record to a second component (i.e., ... teaches a sending key data to second party [par. 46]).

Hermann does not expressly teach:

where at least part of said key record is provided by a user to create a key record that is worldwide unambiguous.

However, these features are well known in the art and would have been an obvious modification of the system disclosed by Hermann as introduced by Lewis. Lewis discloses:

where at least part of said key record is provided by a user to create a key record that is worldwide unambiguous (to provide an access code means (e.g., key record/secret key code) base on biometric data from a user [col. 12, lines 25-40]).

Therefore, given the teachings of Lewis, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Hermann by employing the well known feature of a access code (e.g., key record/secret key code) based on user biometric data disclosed above by Lewis, for which wireless security will be enhanced (col. 12, lines 25-40).

9. As to claim 2, Hermann teaches a security system characterized in that the key record in the memory of the portable unit is predetermined by the

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manufacturer (i.e., ... teaches a wireless communication between devices [fig. 2] ... those skilled in the art would recognize the inherent to wireless device communication is the communication pertinent manufacturing device information transmission between communicating device for initialization and setup purposes).

10. As to claim 3, Hermann teaches a security system characterized in that the portable unit comprises an input device for providing the key record to the memory (i.e., ... teaches a description of network devices in [par. 39] ... the teaching of network devices in par. 39 describes a PDA those skill in the art would recognize inherent to a PDA is a means to input information and store information).

11. As to claim 4, Hermann teaches a security system characterized in that the input device is adapted to detect biometric characteristics of a user and derive the key record from and/or authenticate the user by means of said biometric characteristics (i.e., ... teaches Human Interface Device (HID) for which can recognize voice [par. 39]).

12. As to claim 5, Hermann teaches a security system characterized in that the portable unit is adapted to erase the key record provided by means of the input device from the memory after a predetermined period of time and/or after a processing procedure [par. 39].

13. As to claim 6, Hermann teaches a security system characterized in that the first unit comprises a triggering unit for triggering a short-range transmission of the worldwide unambiguous key record (i.e., ... teaches short-range communication such RF [par. 42]).

14. As to claim 7, Hermann teaches a security system characterized in that, upon a user's approach to the receiving unit, a detector unit in the unit triggers the short-range information transmission of the worldwide unambiguous key record (i.e., ... teaches access points and point to point communication [par. 36] ... teaches a RF and IR networks [par. 42] ... those skilled in the art would recognize inherent to RF and IR technology are detectors to receive and process signal).

15. As to claim 8, Hermann teaches a security system characterized in that a key generator is provided in the first unit or in a second unit for generating a sequence of guest key records (i.e., ... teaches a generating a key [par. 48]).

16. As to claim 9, Hermann teaches a security system characterized in that the first unit is provided for transmitting a guest key record upon activation of a second triggering unit (i.e., ... teaches transmitting a key to a second party [par. 48]).

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17. As to claim 10, Hermann teaches a security system characterized in that the key record and the guest key record each consist of a bit sequence (i.e., ... teaches a use of digital devices [par. 39] ... teaches a generating key data [par. 46] ... those skill in the art would recognize bit processing (e.g., constructing a bit sequence) as inherent behavior digital devices).

18. As to claim 11, Hermann teaches a security system characterized in that the first unit is a part of an apparatus, particularly a remote control unit [abstract].

19. As to claim 12, Hermann teaches a security system characterized in that the worldwide unambiguous key record is supplied during or before a network configuration, particularly an automatic network configuration, of an apparatus [par. 46].

20. As to claim 13, Hermann teaches a security system characterized in that the key record and the guest key record comprise characterizing bits which are provided for distinguishing between key records and other bit sequences and characterize bit sequences as key record or as guest key record (i.e., ... teaches a use of digital devices [par. 39] ... teaches a generating key data [par. 46] ... those skill in the art would recognize bit processing (e.g., constructing a bit sequence) as inherent behavior digital devices).

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21. As to claim 14, Hermann teaches a security system characterized in that the apparatus is provided for erasing the guest key record (i.e., ... teaches a use of a nonce [par. 47] ... those skilled in the art would recognize a nonce is temporal and values are unique).

22. As to claim 15, Hermann teaches a security system characterized in that the apparatus is provided for authentication and encryption of useful data to be transmitted between the apparatuses of the network by means of a key comprised in the key record [par. 46].

23. As to claim 16, Hermann teaches a security system characterized in that the apparatus identifies its association in with a wireless network by means of a key comprised in the key record [par. 47].

24. As to claim 17, Hermann teaches a portable unit for installing a shared key with a key record in at least one apparatus of a wireless network comprising a memory for storing the key record (i.e., public key) which is provided for short-range information transmission of the key record [pa. 47].

Hermann does not expressly teach:

wherein at least part of said key record is provided by a user to create a key record that is worldwide unambiguous.

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However, these features are well known in the art and would have been an obvious modification of the system disclosed by Hermann as introduced by Lewis. Lewis discloses:

wherein at least part of said key record is provided by a user to create a key record that is worldwide unambiguous (to provide an access code means (e.g., key record/secret key code) base on biometric data from a user [col. 12, lines 25-40]).

Therefore, given the teachings of Lewis, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Hermann by employing the well known feature of a access code (e.g., key record/secret key code) based on user biometric data disclosed above by Lewis, for which wireless security will be enhanced (col. 12, lines 25-40).

25. As to claim 18, Hermann teaches a electric apparatus with a receiving unit comprising a receiver for receiving a key record and an evaluation component of the apparatus for storing, processing and/or passing on the key record or a part of the key record to a second component [par. 44].

Hermann does not expressly teach:

wherein at least part of said key record is provided by a user to create a key record that is worldwide unambiguous.

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However, these features are well known in the art and would have been an obvious modification of the system disclosed by Hermann as introduced by Lewis. Lewis discloses:

wherein at least part of said key record is provided by a user to create a key record that is worldwide unambiguous (to provide an access code means (e.g., key record/secret key code) base on biometric data from a user [col. 12, lines 25-40]).

Therefore, given the teachings of Lewis, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Hermann by employing the well known feature of a access code (e.g., key record/secret key code) based on user biometric data disclosed above by Lewis, for which wireless security will be enhanced (col. 12, lines 25-40).

Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection under Hermann in view of Lewis. Lewis provides for the capability to generate a code (e.g., key record/secret key code) base on user biometric data.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN WRIGHT whose telephone number is

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(571)270-3826. The examiner can normally be reached on 8:30 am - 5:30 pm
Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYAZ Sheikh can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRYAN WRIGHT/
Examiner, Art Unit 2431

/Ayaz R. Sheikh/

Supervisory Patent Examiner, Art Unit 2431